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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations, including those derived from the principle of sovereign equality of States, is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the new and recurring acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Recalling that, to the extent provided by the relevant rules of international law, premises of diplomatic missions, consular premises and premises of permanent missions with diplomatic status to international intergovernmental organizations, as well as private residences of relevant members of diplomatic missions and

[1] A/73/189.

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representatives to international intergovernmental organizations, shall be inviolable and that, to the extent consistent with the relevant rules of international law, agents of the receiving State shall not enter them, except with the consent of the sending State,

Noting that diplomatic and consular missions may maintain archives and documents in various forms, that official correspondence may take a variety of forms and that diplomatic and consular missions may use a variety of means of communication,

Recalling that the archives and documents of diplomatic and consular missions shall be inviolable at any time and wherever they may be and that the official correspondence of diplomatic and consular missions shall be inviolable,

Recalling also that States shall permit and protect free communication of diplomatic and consular missions for all official purposes and that diplomatic and consular missions may employ all appropriate means in communicating with their Governments and other diplomatic and consular missions of their State, wherever situated,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives and, as appropriate, their family members, as well as of permanent missions and, as appropriate, relevant representatives to international intergovernmental organizations and their family members,

Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

Emphasizing the duty of States to take all appropriate measures, as required by international law, in a timely manner, for the protection of diplomatic and consular missions and representatives as well as missions and representatives to international intergovernmental organizations and officials of such organizations, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established pursuant to General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Welcomes* the report of the Secretary-General;[1]

2. *Strongly condemns* all acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce, including during a period of armed conflict, all the applicable principles and rules of international law governing diplomatic and consular relations, including those relating to inviolability, and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prevent and prohibit in their territories

illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, including during a period of armed conflict, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives, including measures of a preventive nature, and with regard to the timely exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to strictly comply with the applicable rules of international law governing the protection and inviolability of premises of diplomatic missions, consular premises and premises of permanent missions with diplomatic status to international intergovernmental organizations;

7. *Also urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

8. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

9. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

10. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions, their archives and premises or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

11. *Urges*:

(a) All States to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General,[2] serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General, on measures taken to bring the offender to justice and to communicate, in accordance with its laws, the final outcome of the proceedings

[2] A/42/485, annex.

against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

12. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 11 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 11 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 11 above, when a serious violation has been reported pursuant to paragraph 11 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to paragraph 11 (a) above or follow-up reports pursuant to paragraph 11 (b) above have not been made within a reasonable period of time;

13. *Also requests* the Secretary-General to invite States, in the circular note referred to in paragraph 12 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

14. *Further requests* the Secretary-General to submit to the General Assembly at its seventy-fifth session a report containing:

(a) Information on the state of ratification of and accessions to the instruments referred to in paragraph 9 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 11 and 13 above;

15. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 14 above;

16. *Decides* to include in the provisional agenda of its seventy-fifth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".